

FILED
JAMES BOWEN
CLERK

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT, OHIO

05 NOV 14 AM 9:23

UNITED STATES OF AMERICA

CASE NO. 1:02 CR-54

vs.

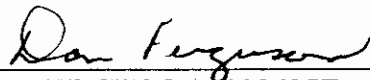
WALTER PUGH

**MOTION TO QUASH SUBPOENA OF
KEEPER OF RECORDS, BUTLER
COUNTY DEPARTMENT OF JOB AND
FAMILY SERVICES AND SUPPORTING
MEMORANDUM**

Now comes the Butler County Department of Job and Family Services, by and through counsel, and moves the Court to quash the subpoena issued by the defendant, Walter Pugh.

This motion is made on the grounds that compliance would require disclosure of privileged or otherwise protected matter and no exception or waiver applies.

Respectfully submitted,



DAN FERGUSON (0036957)
ASSISTANT PROSECUTING ATTORNEY
BUTLER COUNTY, OHIO
Attorney for Butler County Dept. of Job
and Family Services
315 High Street
Hamilton, OH 45011
513/887-3943

MEMORANDUM

Defendant has issued a subpoena to Keeper of Records of the Butler County Department of Job and Family Services, to give testimony and to produce on 11/14/2005, certain information relating to the public assistance history of Shanell Holston or her children. Compliance with the subpoena, as written, would require disclosure of privileged or otherwise protected matter and no exception or waiver applies.

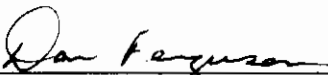
Ohio Revised Code §5101.27 sets forth an extensive statutory provision in which the disclosure of information regarding a public assistance recipient is prohibited with respect to any

purpose not directly connected with the administration of a public assistance program. [O. R.C. §5101.27(A).] The information sought is, therefore, protected matter. The subpoena in question was issued from a private party having no connection to the administration of a public assistance program.

The statutory exceptions to the foregoing general rule (that disclosure of information regarding a public assistance recipient must relate to the administration of a public assistance program) are themselves very limited in scope. Ohio Revised Code § 5101.27(B)(1) and (2) generally provide that public assistance agencies may disclose information to other public assistance agencies or to law enforcement, but those exceptions are for purposes of the administration of a public assistance program.

Ohio Revised Code § 5101.27(C) and (D) outline the only persons or entities permitted to access information regarding a public assistance recipient. Those persons or entities include the recipient, an authorized representative of the recipient, the parent or guardian of the recipient, the attorney of the recipient who possesses a written authorization from the recipient, or any person who possesses the written consent of the recipient. Defendant does not fit into any of the foregoing categories.

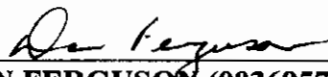
Therefore, as compliance with the subpoena would require disclosure of privileged or otherwise protected matter, and as no exception or waiver applies, the Butler County Department of Job and Family Services requests that the subpoena herein be quashed.



DAN FERGUSON (0036957)
ASSISTANT PROSECUTING ATTORNEY
BUTLER COUNTY, OHIO

CERTIFICATE OF SERVICE

This is to certify that on November 14, 2005, a copy of the foregoing Motion to Quash and Supporting Memorandum was hand delivered to William R. Gallagher, Attorney for Defendant, and to Amul Thapar, U.S. Attorney.



DAN FERGUSON (0036957)
ASSISTANT PROSECUTING ATTORNEY
BUTLER COUNTY, OHIO